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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,780	11/26/2001	Gerard Scott Freeland	AZON3ADIV/dln	5821

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THE FIRM OF HUESCHEN AND SAGE  
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EXAMINER

SERGEANT, RABON A

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 07/01/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

MF=4

**Office Action Summary**

Application No.

09/992,780

Applicant(s)

Freeland et al

Examiner

Rabon Sergeant

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-55 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 1, 2 6) ☐ Other: \_\_\_\_\_

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1. The preliminary amendment, filed January 23, 2002, fails to comply with the provisions of 37 CFR 1.121(b)(1)(ii) and 37 CFR 1.121(b)(1)(iii). While claims 1-33 have been canceled and new claims 34-55 have been entered, the amendment to the specification has not been entered, because substitute/replacement pages are improper.
2. In view of the non-entry of the amendment to the specification, applicants are still required to amend the specification with the application's continuing data.
3. Claims 35-39 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants have failed to provide support for the claimed viscosity of 300-50000 cps at room temperature for the prepolymer. The claimed viscosity pertains to the curative, according to page 10 of the specification.
4. Claims 34-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants reference to the prepolymer, both in its cured and uncured state, is confusing. Furthermore, the reference to both the uncured and cured prepolymer as (P) is confusing. Within claim 34, a prepolymer is claimed, but within the claim, the prepolymer is specified as being cured. The position is taken that the reference to the cured product as being a prepolymer is confusing.

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Furthermore, it is not completely clear when each state, cured or uncured, is contemplated within the claims. For example, within claim 41, the cured prepolymer is claimed as being cured (see line 1).

Furthermore, claims 34 and 41 are confusing, because the prepolymer (P) in addition to being the prepolymer to be cured is listed as a component of the curative composition. Clarification is required as to whether the prepolymer is actually present in both sides.

Within claims 34, 36, 37, 40, 41, 52, 53, and 54, no basis has been set forth for the claimed percent values. Furthermore, within claim 53, the type (weight or mole) of percent has not been specified; and the means by which the percents are recited is confusing, because the components that correspond to the respective weight percents have not been set forth within the claim.

Within claims 38, 39, 43, and 44, it is not clear if the claimed percent value is based on stoichiometric groups, per se, or if the percent value refers to a weight content that is representative of a stoichiometric excess.

Lastly, it is not clear at what conditions the curative is liquid.

5. Claims 34-55 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for compositions wherein the weight percents of components (a), (b), and (c) for prepolymer (P), the NCO content of prepolymer (P), and the viscosity of prepolymer (P) correspond to the values given within the specification at page 2, does not reasonably provide

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enablement for compositions wherein the prepolymer is not governed by the aforementioned values. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. Applicants have failed to provide adequate enablement for the production and use of prepolymers which do not have the aforementioned characteristics or features, and applicants have failed to provide guidance with respect to the modification of parameters that would permit the production of viable prepolymers that differ from those specifically disclosed.

Any inquiry concerning this communication should be directed to R. Sergent at telephone number (703) 308-2982.

R. Sergent

June 30, 2002

  
RABON SERGENT  
PRIMARY EXAMINER